

ASSEMBLY BILL

No. 512

Introduced by Assembly Member Rendon

February 20, 2013

An act to amend Section 901 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 512, as introduced, Rendon. Healing arts: licensure exemption.

Existing law provides for the licensure and regulation of various healing arts practitioners by boards within the Department of Consumer Affairs. Existing law provides an exemption from these requirements for a health care practitioner licensed in another state who offers or provides health care for which he or she is licensed during a state of emergency, as defined, and upon request of the Director of the Emergency Medical Services Authority, as specified.

Existing law provides, until January 1, 2014, an exemption from the licensure and regulation requirements for a health care practitioner, as defined, licensed or certified in good standing in another state or states, who offers or provides health care services for which he or she is licensed or certified through a sponsored event, as defined, (1) to uninsured or underinsured persons, (2) on a short-term voluntary basis, (3) in association with a sponsoring entity that registers with the applicable healing arts board, as defined, and provides specified information to the county health department of the county in which the health care services will be provided, and (4) without charge to the recipient or a 3rd party on behalf of the recipient, as specified. Existing law also requires an exempt health care practitioner to obtain prior authorization to provide these services from the applicable licensing

board, as defined, and to satisfy other specified requirements, including payment of a fee as determined by the applicable licensing board.

This bill would delete the January 1, 2014, date of repeal, and instead allow the exemption to operate until January 1, 2018.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 901 of the Business and Professions Code
2 is amended to read:

3 901. (a) For purposes of this section, the following provisions
4 apply:

5 (1) “Board” means the applicable healing arts board, under this
6 division or an initiative act referred to in this division, responsible
7 for the licensure or regulation in this state of the respective health
8 care practitioners.

9 (2) “Health care practitioner” means any person who engages
10 in acts that are subject to licensure or regulation under this division
11 or under any initiative act referred to in this division.

12 (3) “Sponsored event” means an event, not to exceed 10 calendar
13 days, administered by either a sponsoring entity or a local
14 government, or both, through which health care is provided to the
15 public without compensation to the health care practitioner.

16 (4) “Sponsoring entity” means a nonprofit organization
17 organized pursuant to Section 501(c)(3) of the Internal Revenue
18 Code or a community-based organization.

19 (5) “Uninsured or underinsured person” means a person who
20 does not have health care coverage, including private coverage or
21 coverage through a program funded in whole or in part by a
22 governmental entity, or a person who has health care coverage,
23 but the coverage is not adequate to obtain those health care services
24 offered by the health care practitioner under this section.

25 (b) A health care practitioner licensed or certified in good
26 standing in another state, district, or territory of the United States
27 who offers or provides health care services for which he or she is
28 licensed or certified is exempt from the requirement for licensure
29 if all of the following requirements are met:

30 (1) Prior to providing those services, he or she does all of the
31 following:

1 (A) Obtains authorization from the board to participate in the
2 sponsored event after submitting to the board a copy of his or her
3 valid license or certificate from each state in which he or she holds
4 licensure or certification and a photographic identification issued
5 by one of the states in which he or she holds licensure or
6 certification. The board shall notify the sponsoring entity, within
7 20 calendar days of receiving a request for authorization, whether
8 that request is approved or denied, provided that, if the board
9 receives a request for authorization less than 20 days prior to the
10 date of the sponsored event, the board shall make reasonable efforts
11 to notify the sponsoring entity whether that request is approved or
12 denied prior to the date of that sponsored event.

13 (B) Satisfies the following requirements:

14 (i) The health care practitioner has not committed any act or
15 been convicted of a crime constituting grounds for denial of
16 licensure or registration under Section 480 and is in good standing
17 in each state in which he or she holds licensure or certification.

18 (ii) The health care practitioner has the appropriate education
19 and experience to participate in a sponsored event, as determined
20 by the board.

21 (iii) The health care practitioner shall agree to comply with all
22 applicable practice requirements set forth in this division and the
23 regulations adopted pursuant to this division.

24 (C) Submits to the board, on a form prescribed by the board, a
25 request for authorization to practice without a license, and pays a
26 fee, in an amount determined by the board by regulation, which
27 shall be available, upon appropriation, to cover the cost of
28 developing the authorization process and processing the request.

29 (2) The services are provided under all of the following
30 circumstances:

31 (A) To uninsured or underinsured persons.

32 (B) On a short-term voluntary basis, not to exceed a
33 10-calendar-day period per sponsored event.

34 (C) In association with a sponsoring entity that complies with
35 subdivision (d).

36 (D) Without charge to the recipient or to a third party on behalf
37 of the recipient.

38 (c) The board may deny a health care practitioner authorization
39 to practice without a license if the health care practitioner fails to

1 comply with this section or for any act that would be grounds for
2 denial of an application for licensure.

3 (d) A sponsoring entity seeking to provide, or arrange for the
4 provision of, health care services under this section shall do both
5 of the following:

6 (1) Register with each applicable board under this division for
7 which an out-of-state health care practitioner is participating in
8 the sponsored event by completing a registration form that shall
9 include all of the following:

10 (A) The name of the sponsoring entity.

11 (B) The name of the principal individual or individuals who are
12 the officers or organizational officials responsible for the operation
13 of the sponsoring entity.

14 (C) The address, including street, city, ZIP Code, and county,
15 of the sponsoring entity's principal office and each individual listed
16 pursuant to subparagraph (B).

17 (D) The telephone number for the principal office of the
18 sponsoring entity and each individual listed pursuant to
19 subparagraph (B).

20 (E) Any additional information required by the board.

21 (2) Provide the information listed in paragraph (1) to the county
22 health department of the county in which the health care services
23 will be provided, along with any additional information that may
24 be required by that department.

25 (e) The sponsoring entity shall notify the board and the county
26 health department described in paragraph (2) of subdivision (d) in
27 writing of any change to the information required under subdivision
28 (d) within 30 calendar days of the change.

29 (f) Within 15 calendar days of the provision of health care
30 services pursuant to this section, the sponsoring entity shall file a
31 report with the board and the county health department of the
32 county in which the health care services were provided. This report
33 shall contain the date, place, type, and general description of the
34 care provided, along with a listing of the health care practitioners
35 who participated in providing that care.

36 (g) The sponsoring entity shall maintain a list of health care
37 practitioners associated with the provision of health care services
38 under this section. The sponsoring entity shall maintain a copy of
39 each health care practitioner's current license or certification and
40 shall require each health care practitioner to attest in writing that

1 his or her license or certificate is not suspended or revoked pursuant
2 to disciplinary proceedings in any jurisdiction. The sponsoring
3 entity shall maintain these records for a period of at least five years
4 following the provision of health care services under this section
5 and shall, upon request, furnish those records to the board or any
6 county health department.

7 (h) A contract of liability insurance issued, amended, or renewed
8 in this state on or after January 1, 2011, shall not exclude coverage
9 of a health care practitioner or a sponsoring entity that provides,
10 or arranges for the provision of, health care services under this
11 section, provided that the practitioner or entity complies with this
12 section.

13 (i) Subdivision (b) shall not be construed to authorize a health
14 care practitioner to render care outside the scope of practice
15 authorized by his or her license or certificate or this division.

16 (j) (1) The board may terminate authorization for a health care
17 practitioner to provide health care services pursuant to this section
18 for failure to comply with this section, any applicable practice
19 requirement set forth in this division, any regulations adopted
20 pursuant to this division, or for any act that would be grounds for
21 discipline if done by a licensee of that board.

22 (2) The board shall provide both the sponsoring entity and the
23 health care practitioner with a written notice of termination
24 including the basis for that termination. The health care practitioner
25 may, within 30 days after the date of the receipt of notice of
26 termination, file a written appeal to the board. The appeal shall
27 include any documentation the health care practitioner wishes to
28 present to the board.

29 (3) A health care practitioner whose authorization to provide
30 health care services pursuant to this section has been terminated
31 shall not provide health care services pursuant to this section unless
32 and until a subsequent request for authorization has been approved
33 by the board. A health care practitioner who provides health care
34 services in violation of this paragraph shall be deemed to be
35 practicing health care in violation of the applicable provisions of
36 this division, and be subject to any applicable administrative, civil,
37 or criminal fines, penalties, and other sanctions provided in this
38 division.

39 (k) The provisions of this section are severable. If any provision
40 of this section or its application is held invalid, that invalidity shall

- 1 not affect other provisions or applications that can be given effect
- 2 without the invalid provision or application.
- 3 (l) This section shall remain in effect only until January 1, ~~2014~~,
- 4 2018, and as of that date is repealed, unless a later enacted statute,
- 5 that is enacted before January 1, ~~2014~~, 2018, deletes or extends
- 6 that date.